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**Z-2287**  
**CHARLES E. PAYNE**  
**AW TO I2**

**STAFF REPORT**  
**April 13, 2006**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who also is the owner, is requesting the rezoning of two properties from AW to I2 to legitimize a countertop and cabinet manufacturing business (SIC 2434). The two tracts (Lot 2, Sam Martin SD and a .46 acre tract) are located on the south side of CR 300N just east of East Tipp Middle School and Hershey Elementary School and are commonly known as 7707 and 7709 E CR 300N, Perry 9(NE) 23-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The two lots in question are zoned AW as is land to the east, south and west. Further to the west the schools are zoned R1; north across 300N is A zoning.

**AREA LAND USE PATTERNS:**

The single-family home on the front lot was built in 1991 and is used solely for the business. Two detached structures are also located on the front lot and a large pole barn occupies the rear lot.

Petitioner's land is surrounded on three sides by large lot single-family homes. A private drive from 300N serves several of these homes directly south of the site. The middle school is to the west and the north is dominated by farm fields.

**TRAFFIC AND TRANSPORTATION:**

The site gains access from CR 300N, which is classified as a rural secondary arterial. About 1,125 cars passed this site daily in 2005.

Ordinance required parking for this use is 1 space per 1,000 sq. ft. of gross floor area, plus 1 space per each 200 sq. ft. of office, sales, or similar floor area. Petitioner did not submit a detailed drawing of the site, but it appears from aerial photography and recently issued building permits that at least 7 paved spaces would be required. A visit to the site revealed that there is no delineated parking area.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Well and septic serve the site. According to the Health Department, a septic system was installed in 2005 for the pole barn; the permit specified "private use only", meaning not for a commercial use.

The Ordinance requires a 20' wide "type C" bufferyard where I2 zoning abuts AW zoning.

**STAFF COMMENTS:**

Earlier this year in February, an anonymous complaint was received by the County Building Commission about a business operating in the AW zone. The Zoning Enforcement Officer investigated the complaint and found that a countertop and cabinet manufacturing operation was being run out of an unoccupied residential structure and a 36' x 76' pole barn. After contacting the owner, he was instructed to either cease the operation or file a rezone request to legitimize the business.

According to the petitioner, the house was built in 1991 for the purpose of accommodating the operation and has never been used as a residence. The Zoning Enforcement Officer could not find a permit for the house. Since then, the business with its 3 employees has grown significantly. A large pole barn and a 32' x 28' detached garage addition had to be built last year to accommodate this business expansion. The permit applications for these two structures clearly shows them as being for personal storage only (meaning not for manufacturing or business storage), as does the 2005 septic permit for the pole barn. These permits were only issued because the uses of both buildings were misrepresented on the applications. While this business may have existed peacefully with the surrounding homes in the past, it has obviously grown enough to become a problem for at least one nearby resident.

This area of the county is very rural and scattered with home sites and large agricultural farms. ***The Comprehensive Plan for Tippecanoe County*** indicates a residential future for this land adjacent to the middle school and agricultural uses surrounding. Industrial zoning is far too intense for this area. These properties do not have the benefit of sanitary sewer and water; additionally the site has little area to replace the septic system if it fails in the future. Another concern is the impact on adjacent residences. If rezoned, this industrial use would be legitimized and could legally expand to the detriment of the neighboring houses. Even with the required 20' wide bufferyards, I2 zoning would allow a number of uses that are highly incompatible with the surrounding single-family homes. This anomalous zoning district is not supported by **The Comprehensive Plan** and is neither appropriate at this location nor compatible with surrounding uses.

**STAFF RECOMMENDATION:**

Denial

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